

1 SCOTT N. SCHOOLS (SCBN 9990)
United States Attorney

2 BRIAN J. STRETCH (CSBN 163973)
Chief, Criminal Division

4 ELISE BECKER (NYSBN 2540730)
Assistant United States Attorney

5 450 Golden Gate Avenue, 11th Floor
6 San Francisco, California 94102
7 Telephone: (415)436-6878
Facsimile: (415) 436-7234
elise.becker@usdoj.gov

8 Attorneys for the Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,)
15)
16 Plaintiff,)
17 v.)
18 LEROY JOHN KERN,)
19)
20 Defendant.)
-----)

**NOTICE OF RELATED CASE
IN A CRIMINAL ACTION**

No. CR 07-733 SI

21 UNITED STATES OF AMERICA,)
22)
23 Plaintiff,)
24 v.)
25 ANDREW FELDMAN,)
26)
Defendant.)
-----)

No. CR 07-731 CRB

1 SECURITIES AND)
2 EXCHANGE COMMISSION,)
3 Plaintiff,)
4 v.)
5 ROMULUS S. PEREIRA,)
6 ROBERT B. STANTON,)
7 L. JOHN KERN,)
8 ANDREW D. FELDMAN,)
WILLIAM F. MCFARLAND,)
LORI H. CORNMESSER.)
Defendants.)

The United States, by and through the above counsel of record, hereby submits this Notice of Related Case in a Criminal Action pursuant to Criminal Local Rule 8-1. The United States contends that the criminal case against defendant KERN is related to the other criminal case against defendant FELDMAN and the pending civil case against KERN, FELDMAN and others, because they involve the same defendants, and allege similar conduct relating to the recognition of revenue at Riverstone Networks, Inc. In the interest of judicial economy, the government contends that the criminal case against defendant KERN should be related to the two other cases previously assigned to Judge Breyer.

On November 15, 2007, the United States Attorney for the Northern District of California filed a felony information charging defendant KERN with one count of circumventing internal accounting controls, in violation of 15 U.S.C. §§ 78m(b)(5) and 78ff. The Securities and Exchange Commission (SEC) had previously filed complaints against several defendants, including defendant KERN, relating to similar conduct.

The United States contends that the three matters are related because the cases center around the same alleged conduct involving two of the same defendants. Accordingly, the assignment of the most recent case to the same judge who has handled and will handle all other related proceedings would conserve judicial resources and promote an efficient determination of the

1 criminal matter pursuant to Criminal Local Rule 8-1(c)(4).

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3 DATED: November 21, 2007

4 Respectfully submitted,

5 SCOTT N. SCHOOLS
United States Attorney

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7 _____/s/
8 ELISE BECKER
9 Assistant United States Attorney

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